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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY LAFlack DATE 2/12/82

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ORIGIN SS-25
INFO OCT-01 ISO-00 SSO-00 /026 R
DRAFTED BY EA K:RGRICH:FLW
APPROVED BY FA - MR. GLEYSTEEN
JUSTICE - PMICHEL (SUBSTANCE)
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FM SECSTATE WASHDC
TO AMEMBASSY SEOUL IMMEDIATE
INFO DEPT OF JUSTICE
C O N F I D E N T I A L STATE 242553
EXDIS
E.O. 11652: GDS
TAGS: OVIP (CIVILETTI, BENJAMIN), PINS, KS, US
SUBJECT: TONGSUN PARK -- VISIT BY JUSTICE DEPT OFFICIALS
REF: (A) STATE 239107, (B) SEOUL 8433, (C) SEOUL 8447,
(D) SEOUL 8492

1. JUSTICE TEAM WILL ARRIVE SEOUL OCTOBER 15 ABOARD NORTHWEST FLIGHT 21 FROM TOKYO AT 1010. FOLLOWING ARE COMMENTS ON ISSUES RAISED IN REFTELS AND OTHER REQUIREMENTS PERCEIVED AT THIS STAGE.

2. TEAM GRATEFULLY ACCEPTS SUGGESTION FOR USE OF APARTMENT IN COMPOUND TWO IF PRACTICAL MEAL ARRANGEMENTS

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FEASIBLE. THIS WILL OFFER IMPORTANT REFUGE FROM PRESS. WE UNDERSTAND NUMBER OF NEWSMEN PROCEEDING TO KOREA COINCIDENT WITH JUSTICE TEAM'S VISIT.

3. ANTICIPATE THAT IT WILL BE NECESSARY TO TAKE CLASSIFIED OR SENSITIVE MATERIALS TO QUARTERS AT TIMES TO WORK ON THIS PROBLEM. REQUEST EMBASSY CONSIDER THIS AND DETERMINE WHETHER SOME SECURE STORAGE CAN BE PROVIDED IN COMPOUND TWO TO FACILITATE LATE WORK AT APARTMENT.

4. TEAM BELIEVES IT WILL BE IMPORTANT TO HAVE ACCESS TO KOREAN LEGAL EXPERTISE. IF EMBASSY DOES NOT HAVE ADEQUATE EXPERTISE ON STAFF, PRIVATE COUNSEL WHO HAS BEEN RELIABLY UTILIZED BY EMBASSY FOR IMPORTANT MATTERS IN THE PAST SHOULD BE ENGAGED. IT WOULD BE HELPFUL IF THIS LAWYER COULD BE AVAILABLE FOR CONSULTATION ON SUNDAY OF ARRIVAL. AMONG TYPES OF QUESTIONS ON WHICH TEAM WILL WISH EXPERT OPINION IS TO WHAT EXTENT UNDER ROK LAW TONGSUN PARK IS INDICTABLE FOR OFFENSES HE MAY HAVE COMMITTED IN USA. EMBASSY SHOULD PROVIDE COST ESTIMATE IF PRIVATE COUNSEL ENGAGED. JUSTICE TEAM WILL BE AUTHORIZED TO PAY NECESSARY FEES.

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5. REQUEST EMBASSY, IN COORDINATION WITH PRIVATE COUNSEL IF NECESSARY, BE PREPARED TO BRIEF JUSTICE TEAM ON WORKINGS OF ROKG MINISTRY OF JUSTICE AND RELATIVE ROLES AND RESPONSIBILITIES OF DIFFERENT TYPES OF OFFICIALS.

6. SCENARIO FOR DISCUSSIONS AS PROPOSED REF C IS GENERALLY APPROPRIATE. HOWEVER, REQUEST YOU PROPOSE MORE SPECIFICALLY TO ROKG THAT AT LEAST MORNING MEETINGS BE SCHEDULED FOR EVERY DAY, WITH COMMITMENT BY EACH SIDE THAT ANY QUESTION POSED BY ONE SIDE WHICH REQUIRES REFERENCE

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TO HIGHER AUTHORITY WILL BE ANSWERED BY THE FOLLOWING DAY. NATURALLY WE WOULD HOPE THAT MANY ISSUES COULD BE RESOLVED DIRECTLY DURING TEAM MEETINGS, BUT IT IS IMPORTANT THAT AD REFERENDUM QUESTIONS NOT RESULT IN LONG DELAYS AND THAT AT THE OUTSET BOTH SIDES EXPRESS COMMITMENT TO STICK TO THIS SCHEDULE.

7. YOU SHOULD MAKE UNEQUIVOCALLY CLEAR TO ROKG THAT THERE IS NO CONNECTION BETWEEN JUSTICE DEPT VISIT AND INVESTIGATIONS BY CONGRESSIONAL COMMITTEES. BOTH HOUSE AND SENATE ETHICS COMMITTEES WERE CONTACTED BY JUSTICE. AND BOTH DECLINED TO PARTICIPATE IN CURRENT DISCUSSIONS. STRESS THAT ANY AGREEMENTS ROKG MAY REACH WITH CONGRESSIONAL COMMITTEES DO NOT RPT NOT AFFECT JUSTICE DEPT INVESTIGATION, AND THAT TONGSUN PARK INDICTMENT IS SOLELY JUSTICE MATTER. CORRESPONDINGLY, COOPERATION WITH JUSTICE TEAM HAS NO DIRECT EFFECT ON CONGRESSIONAL INVESTIGATIONS. (FYI: IT IS PARTICULARLY IMPORTANT THAT THIS SEPARATION OF RESPONSIBILITY AND AUTHORITY BE REPEATEDLY STRESSED. JAWORSKI HAS ANNOUNCED PUBLIC HEARINGS BY HOUSE ETHICS COMMITTEE TO COMMENCE OCTOBER 19 FOR SEVERAL DAYS. THESE HEARINGS LIKELY TO ATTACK ROKG DIRECTLY IN MANNER WHICH MIGHT APPEAR TO KOREANS TO ABROGATE UNDERSTANDINGS WITH USG RE PARAMENTERS OF OUR LEGITIMATE INTERESTS.) CHRISTOPHER

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